

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EMOJI COMPANY GmbH,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

No. 22-cv-03721

Judge John F. Kness

PRELIMINARY INJUNCTION ORDER

THIS CAUSE is before the Court on EMOJI COMPANY GmbH's Motion for a Preliminary Injunction. Having considered the evidence presented, the Court grants Plaintiff's Motion for Entry of a Preliminary Injunction against the Defendants identified in Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's EMOJI Trademarks (the "EMOJI Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this

litigation and that issuing this Preliminary Injunction is warranted under Rule 65 of the Federal Rules of Civil Procedure. Evidence submitted in support of this Motion and in support of Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has made a *prima facie* showing of trademark infringement because (1) the EMOJI Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 4,868,832; 5,202,078 and 5,415,510 for the EMOJI marks, (2) Defendants are not licensed or authorized to use the EMOJI Trademarks, and (3) Defendants' use of the EMOJI Trademarks are causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with EMOJI COMPANY GmbH. Further, Defendants' continued and unauthorized use of the EMOJI Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions.

Accordingly, this Court ORDERS that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be enjoined and restrained from:
 - a. using Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a

genuine EMOJI Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine EMOJI Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's EMOJI Trademarks;

c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;

d. further infringing Plaintiff's EMOJI Trademarks and damaging Plaintiff's goodwill;

e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof;

f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell Counterfeit EMOJI Products; and

g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies, or colorable imitations

thereof that is not a genuine EMOJI Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks.

2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that it owns and/or operates, (c) their financial accounts, including all Context Logic, Inc. ("Wish") accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through g, above.

3. The domain name registries for the Defendant Domain Names, including, but not limited to, Wish, VeriSign, Inc., Neustar, Inc., Afiliat Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff's choosing:

a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or

b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.

4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, Wish, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:

a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the EMOJI Trademarks, including any accounts associated with the Defendants listed in Schedule A;

b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the EMOJI Trademarks; and

c. take all steps necessary to prevent links to the Defendant Domain Names identified in Schedule A from displaying in search results. This includes, but is not limited to, removing links to the Defendant Domain Names from any search index.

5. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

6. Wish shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:

a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Wish accounts connected to the information listed in Schedule A hereto; and

b. Restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

7. Plaintiff may provide notice of these proceedings to Defendants, including notice of any future hearings and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names are transferred to Plaintiff's control will redirect, or by sending an

e-mail to the e-mail addresses identified in Schedule A hereto; and any e-mail addresses provided for Defendants by third parties accompanied by a link to the website where the above-identified documents are located. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Plaintiff's Schedule A to the Complaint and the TRO is unsealed.

9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

SO ORDERED in No. 22-cv-03721.

Date: October 19, 2022



JOHN F. KNESS
United States District Judge

SCHEDULE A

No.	Defendant Name / Alias
1	Jonebeauty
2	JUMALATAR
3	JUSTSL SHOES STORE
4	kadilakestore
5	Krion
6	KUOSHIAN4816
7	ladyfort
8	LAIBINGBI
9	laigetongkuai
10	laitiqingti
11	lanxin~6578
12	leicong
13	Lenkoss
14	LHP STORE
15	liaishan
16	lichaojin1563
17	LiHong
18	lihongfans
19	lilysirxieguan
20	Limiline123
21	Linjou ling nine
22	LIUQING66666
23	LIUSUMINMIN87
24	Lixuemei1
25	lizhongbin
26	lxlwulusoso912
27	lxq744
28	Maryke
29	Meet yours love
30	meikaishu
31	MMTZDDDF woman bags shop
32	jichao19980915
33	jidingbox
34	jim co.ltd
35	jim lester
36	jimailan store
37	jimorefashion
38	JINGMEISHOUBAN
39	jinyu258520
40	Jinzhi
41	jinzhiflag
42	Jipeishuma

43	jiuchen
44	jiulingersell
45	jkm;kl
46	Joy fashion international
47	Joyce women's dress
48	Joy's Stock
49	joytokyo
50	Jstorek
51	Judcy
52	JuliusuCsGuH
53	junprince
54	junzilan
55	justing
56	JWJDDP
57	JXDS
58	jxxyyouth0104
59	KaiFeng2018
60	kaikaide
61	kaiseku
62	kaizhong123
63	Kakazuoxiangyou
64	Kaletine Jewelry
65	kangmao
66	KAROQI Technology Co., Ltd.
67	kelly1
68	kelove
69	kent5200
70	keong
71	KepMov
72	Keqiong
73	kevin's variety shop
74	K-FASHION SCHOOL & OFFICE SUPPLIES
75	Kingking zhang
76	KIO11
77	kissbuyw
78	KK Party
79	kkff3e
80	K-MIME School & Office Stationery
81	knm3693
82	kolalame
83	kolo
84	koxmdq
85	KUCOS
86	kule666
87	kungfu store

88	Kvivlax
89	Kwerr
90	Lady Stop Shop
91	lamaran
92	lancangwan12
93	Landgo
94	lanxiaokeqing
95	lanyangleilzm
96	LaremeShopOnline
97	lawyerobjk
98	Lay Taung
99	LCY-94
100	leeyyshop
101	Leftear09
102	leomall
103	lesanlee
104	lgyzjzhr
105	Lhyulinlong
106	LI lucky store
107	li na xiao dian
108	LI TANG-1
109	liangbinx
110	LiangXuanChen
111	liangyujunha
112	lianjianing001
113	Liaoxing Fashion
114	LiaoYong114056
115	life&shopping 666
116	lifeshopping588
117	LifeTeste
118	liguol
119	lihangkukudian001
120	lihui1987
121	lijiaojaodain
122	lijuny
123	liliyao store
124	limeixiaggj
125	LIN Supermarket
126	lin12543
127	Ling's clothing store
128	Linhao World
129	linlixing fashion
130	Lin's market
131	linxiawangpu
132	Lioing

133	lisaii
134	lisangdong
135	little light
136	Littlehouse569
137	littlesalt
138	Liu ter
139	liuchunping
140	Liudingqiong666
141	liufen666
142	liufengyingdfs
143	liuhaiyun
144	liuhaoyu546
145	liuli258
146	liulin111
147	liusanyuan
148	liusikiusi
149	liuweidedin
150	liuxialiuxialiuxialiuxia
151	Liuxiang1946
152	liuxingyuansu
153	liuxinlan7758
154	liuxuewen6553
155	Liuyongjie Fashion
156	liuyuan888
157	LIVE FOR LOVE
158	lixiang2064
159	lixqiao
160	liyajie1578
161	liyi1
162	LIYIHONG
163	ljdgfvbshdrr
164	ljl211700437
165	LJP trade
166	ljdjjjsw
167	LOCA RHINESTONE
168	Lollipopmoment
169	Lonelybar
170	Loney
171	long best store
172	longhuitong
173	longyingping
174	Lonrrytouw
175	Lost-wheat-pocket
176	love beijing
177	love hq

178	love more and more
179	love my angel
180	love to love me
181	loveliweijing
182	lovemeooo
183	loveourmax
184	LUCHANA
185	luck of the blue birds
186	luckly everyone
187	luckstar
188	Lucky Future House
189	Lucky jewelry 123
190	lucky24love
191	luckyboygirl
192	luckycz
193	LuckyHome0603
194	lucyleilei
195	luer
196	Luky485
197	luoguogen666
198	Lush-FOR
199	lutingg
200	luyun12345678
201	Lvxchuang
202	LWH trade
203	ly123321
204	LYCTX
205	LynnSimonshop
206	maaijddp
207	Madge
208	mage niubi
209	Magic Martin
210	Magic-Resplendent
211	mahongmei
212	maiweifeng
213	maiweifudeniuniu
214	makiteasy
215	Malakal
216	maliandong
217	Maner shop
218	mantyzhoiu
219	maochenxiao1996
220	Martin tian
221	Mary6566
222	Maryswill

223	Mate Rings
224	Maxell-ly
225	Mazyr
226	mciwooapl
227	meijunmj8708
228	meilunmeihuan
229	meishiliqn
230	meixiemeipu
231	Meizhene Shop
232	Mermis
233	mff7tdhan003
234	mggqw
235	MIAOLUNYUMAO
236	Miaomiao's shop
237	miaoyiwen4891
238	Mikle Gift
239	mimimamamidexiaopu
240	MIN2 STORE
241	Minaya
242	Mine-shopping mall
243	MINGYING1852
244	minicloud
245	Ministyle
246	minjuanastore
247	Miss Mr.L
248	Missgrass
249	mjm 2016
250	mklyuh wholeshop